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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 EDDIE SOWELL SMITH,

9 Petitioner

10 v.

11 WARDEN CHILDERS,

12 Respondent.

Case No.: 2:23-cv-00527-GMN-VCF


Order

13 On September 7, 2023, this court vacated its order dismissing Nevada prisoner
14 Eddie Sowell Smith's *pro se* 28 U.S.C. § 2254 habeas corpus petition for failure to pay
15 the filing fee and reopened this case. (ECF No. 10.) Smith filed an amended petition on
16 September 18, 2023. (ECF No. 12.) Smith also filed what he styled as a notice, in
17 which he asks the court whether this case is open or closed. (ECF No. 14.) The court
18 now clarifies that this case is open, and the amended petition at ECF No. 12 is the
19 operative petition.

20 Smith is cautioned that when he seeks action or a decision by this court, he must
21 file a motion. Any future filings titled "Notice" will be disregarded.
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1 IT IS THEREFORE ORDERED that Respondents are to file a response to the
2 amended petition by December 18, 2023. The deadlines for all other briefing are set
3 forth in the order at ECF No. 10.

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5 DATED: 17 October 2023.

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8 GLORIA M. NAVARRO
UNITED STATES DISTRICT JUDGE
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